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TITLE 326 AIR POLLUTION CONTROL BOARD

PROPOSED RULE AS PRELIMINARILY ADOPTED WITH IDEM'S SUGGESTED CHANGES INCORPORATED LSA Document #98-116

DIGEST

Adds 326 IAC 11-7 to establish control limits for municipal waste combustor units with a combustion capacity of greater than two hundred and fifty (250) tons per day for which construction was commenced on or before September 20, 1994. Effective 30 days after filing with the secretary of state.

HISTORY

Findings and Determination of the commissioner pursuant to IC 13-14-9-7 and Second Notice of Comment Period, and Notice of First Hearing: February 1, 1998, Indiana Register (21 IR 1873).

Date of First Hearing: May 6, 1998.

Preliminary Adoption: May 6, 1998.

Proposed Rule and Notice of Public Hearing: June 1, 1998, Indiana Register (21 IR 3476).

Second Hearing: September 2, 1998.

326 IAC 11-7

SECTION 1. 326 IAC 11-7 IS ADDED TO READ AS FOLLOWS:

Rule 7. Municipal Waste Combustors

326 IAC 11-7-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) **Except as provided in subsection (b), this rule applies to each municipal waste combustor unit with a combustion capacity greater than two hundred fifty (250) tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994, hereafter referred to as "designated facility".**

(b) The following are exempt from this rule:

(1) Any municipal waste combustor unit that is capable of combusting more than two hundred fifty (250) tons per day of municipal solid waste and is subject to a federally enforceable permit limiting the maximum amount of municipal solid waste that may be combusted to less than or equal to eleven (11) tons per day, provided the owner or operator does the following:

(A) Notifies the department and U. S. EPA of an exemption claim and includes as a part of the notification a copy of its federally enforceable operating permit.

(B) Maintains daily records of the amount of municipal solid waste combusted.

(2) The following facilities, provided the owner or operator of the facility notifies the department and U. S. EPA of an exemption claim and provides data documenting that the facility qualifies for an exemption:

(A) A qualifying small power production facility as defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C))* , that burns homogeneous waste, such as automotive tires or used oil, but not including refuse-derived fuel, for the production of electric energy.

(B) A qualifying cogeneration facility, as defined in Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B))* , that burns homogeneous waste, such as automotive tires or used oil, but not including refuse-derived fuel, for the production of electric energy and steam or forms of useful energy, such as heat, that are used for industrial, commercial, heating, or cooling purposes.

(C) Any unit combusting a single-item waste stream of tires.

(3) Any unit required to have a permit under Section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925)*.

(4) Any material recovery facility, including a primary or secondary smelters, that combusts waste for the primary purpose of recovering metals.

(5) Any cofired combustor with a plant capacity greater than two hundred fifty (250) tons per day of municipal solid waste, provided the owner or operator of the facility does the following:

(A) Notifies the department and U. S. EPA of an exemption claim and includes as a part of the notification a copy of its federally enforceable operating permit.

(B) Keeps records on a calendar quarter basis of the weight of the following:

(i) Municipal solid waste combusted at the cofired combustor.

(ii) All other fuels combusted at the cofired combustor.

(6) Pyrolysis/combustion units that are an integrated part of a plastics/rubber recycling unit, provided the owner or operator of the plastics/rubber recycling unit keeps the following records:

(A) The weight of plastics/rubber or rubber tires processed on a calendar quarter basis.

(B) The weight of chemical plant feedstocks and petroleum refinery feedstocks produced and marketed on a calendar quarter basis.

(C) The name and address of the purchaser of the feedstocks.

(7) Cement kilns firing municipal solid waste.

(8) The combustion of gasoline, diesel fuel, fuel oil, residual oil, refinery gas, petroleum coke, liquified petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feedstocks produced by plastics/rubber recycling units.

Physical or operational changes made to an existing municipal waste unit primarily for the purpose of complying with emission limits under this rule are not considered in determining whether the unit is a modified or reconstructed facility under 40 CFR 60 Subpart Ea, or 40 CFR 60 Eb*, as amended by 60 FR 45116 and 60 FR 45124 (August 25, 1997)*.

*Copies of the Federal Power Act, the Solid Waste Disposal Act, the Code of Federal Regulations (CFR), and the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-1*)

326 IAC 11-7-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 2. Terms used in this rule have the meaning that is given in the definition section of 40 CFR 60, Subpart Cb, Section 60.31b*, as amended by 60 FR 45116 and 60 FR 45124 (August 25, 1997)*.

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-2*)

326 IAC 11-7-3 Emission limits

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 3. The concentration of pollutants contained in the gases discharged to the atmosphere from a designated facility shall not exceed the following limits:

<u>Pollutant</u>	<u>Emission Limits</u>
Particulate matter	23 milligrams per dry standard cubic meter (mg/dscm)⁴
Opacity	10% based on a 6-minute average
Cadmium	0.040 mg/dscm¹
Lead	0.44 mg/dscm¹
Mercury	0.080 mg/dscm; or 15% of the potential mercury emissions concentration^{1, 3}
Sulfur dioxide	29 parts per million by volume (ppmv); or 20% of the potential sulfur dioxide emission concentration^{3, 5}
Hydrogen chloride	29 ppmv; or 5% of the potential hydrogen chloride emissions concentration^{2, 3}
Organic emission (expressed as total mass dioxins/furans)	30 nanograms per dry standard cubic meter (ng/dscm) total mass¹
Nitrogen oxides	205 ppmv²
Carbon monoxide⁵	100 ppmv⁶ (based on a 4-hour block averaging time)

¹Corrected to seven percent (7%) oxygen.

²Corrected to seven percent (7%) oxygen, dry basis.

³Whichever concentration is less stringent.

⁴Corrected to twelve percent (12%) carbon dioxide.

⁵Corrected to seven percent (7%) oxygen, dry basis, calculated as a 24-hour daily geometric mean.

⁶Measured at the combustor outlet in conjunction with a measurement of oxygen concentration, corrected to seven percent (7%) oxygen, dry basis, calculated as an arithmetic mean.

(Air Pollution Control Board; 326 IAC 11-7-3)

326 IAC 11-7-4 Operating practices

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 4. The owner or operator of a designated facility shall comply with the operating practices contained in 40 CFR 60, Subpart Eb, Section 60.53b(b) and 60.53b(c)*, as amended by 60 FR 45124 (August 25, 1997)*.

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 11-7-4)*

326 IAC 11-7-5 Municipal waste combustor operator training and certification requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 5. The owner or operator of a designated facility shall develop and implement a comply with the municipal waste combustor operator training and certification program requirements that is at least as stringent as that contained in specified in 40 CFR 60, Subpart Eb, Section 60.54b*, as amended by 60 FR 45124 (August 25, 1997)*.

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 11-7-5)*

326 IAC 11-7-6 Standards for municipal waste combustor fugitive ash emissions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 6. The owner or operator of a designated facility shall meet the fugitive ash emission standards specified in 40 CFR 60, Subpart Eb, Section 60.55b*, as amended by 60 FR 45124 (August 25, 1997)*.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-6*)**

326 IAC 11-7-7 Compliance and performance testing

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 7. (a) Compliance with the emission limits in section 3 of this rule The owner or operator of a designated facility shall be determined using the comply with the compliance and performance test testing methods and procedures specified in 40 CFR 60, Subpart Eb, Section 60.58b*, as amended by 60 FR 45124 (August 25, 1997)*, except as provided in subsections (b) through (c). All tests shall meet the requirements of 326 IAC 3-6.

(b) If all of the dioxin/furan compliance tests for all designated facilities over a two (2) year period indicate that the dioxin/furan emissions are less than or equal to fifteen (15) nanograms per dry standard cubic meter corrected to seven percent (7%) oxygen, the owner or operator of the plant may elect to conduct an annual dioxin/furan performance test for one (1) designated facility (unit) per year at the plant. At a minimum a performance test for dioxin/furan emissions shall be conducted annually (no more than twelve (12) months following the previous performance test) for one (1) designated facility at the plant. Each year a different designated facility shall be tested. The designated facilities at the plant shall be tested in sequence, such as Unit 1 the first year, followed by Unit 2 the next year.

(c) If an annual performance test indicates an emission level for dioxin/furan greater than fifteen (15) nanograms per dry standard cubic meter corrected to seven percent (7%) oxygen, then performance tests shall be conducted annually on all designated facilities at the plant until all annual performance tests for all designated facilities at the plant over a two (2) year period indicate a dioxin and furan emission level less than or equal to fifteen (15) nanograms per dry standard cubic meter corrected to seven percent

(7%) oxygen.

(d) The owner or operator of a designated facility who elects to follow the performance testing schedule specified in subsection (b) shall follow the procedures specified in 40 CFR 60, Subpart Eb, Section 60.59b(g)(4)*, as amended by 60 FR 45124 (August 25, 1997)*, for reporting the election of this schedule to the department.

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-7*)

326 IAC 11-7-8 Reporting and record keeping requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 8. The owner or operator of a designated facility shall comply with the reporting and record keeping provisions of 40 CFR 60, Subpart Eb, Section 60.59b*, except for the siting requirements under Section 60.59b(a), 60.59b(b)(5), and 60.59b(d)(11)*as amended by 60 FR 45116 and 60 FR 45124 (August 25, 1997)*. All reporting and record keeping shall meet the requirements of 326 IAC 3 when applicable.

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-8*)

326 IAC 11-7-9 Compliance schedule

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 9. (a) Designated facilities shall be in compliance with this rule, except section 5 of this rule, according to one (1) of the following compliance schedules, except as specified in subsection (b):

(1) Within one (1) year from the effective date of this rule, but not later than December 19, 2000.

(2) By December 19, 2000, provided the following:

(A) Installation of air pollution control equipment is necessary to achieve compliance.

(B) The designated facility complies with the measurable and enforceable incremental steps of progress listed as follows:

(i) Submit a final control plan to the department by September 21, 1998 no later than thirty (30) days after the effective date of this rule. This date does not affect the date that a final control plan is required to be submitted to the U.S. EPA.

(ii) Award contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modifications by May 18, 1999.

(iii) Initiate on-site construction or installation of emission control equipment or process change by November 16, 1999.

(iv) Complete on-site construction or installation of emission control equipment or process change by November 19, 2000.

(C) Designated facilities that are not in compliance within one (1) year from the effective date of this rule must submit performance test results for dioxin/furan emissions that have been conducted during or after 1990.

(D) The performance test shall be conducted according to the procedures in 40 CFR 60, Subpart Cb, Section 60.38b*, as amended by 60 FR 45116 (August 25, 1997)*.

(b) All designated facilities shall be in compliance with the training and certification requirements of section 5 of this rule by June 1, 1999.

(c) Designated facilities not in compliance by December 19, 2000, shall cease operation.

(d) Notwithstanding the requirements of this section, the designated facility may shall comply with the compliance schedule in the federal plan until the state plan is approved by the U.S. EPA.

***Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-7-9*)**

